

# **EXHIBIT C**

5/23/2007

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Certified Copy

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FACEBOOK, INC.,    CASE NO. C 07-01389 RS  
  
Plaintiff,  
  
v.  
  
CONNECTU LLC, et al.,  
  
Defendants.

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The above-styled cause came on for hearing on  
May 23, 2007 at 9:28 a.m. before The Honorable  
Richard Seeborg, United States Magistrate Judge.

APPEARANCES:

ON BEHALF OF PLAINTIFF:

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
By Theresa A. Sutton  
1020 Marsh Road  
Menlo Park, CA 94043

ON BEHALF OF DEFENDANTS:

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
By Scott R. Mosko\*  
3300 Hillview Avenue  
Palo Alto, CA 94304

\*Via phone

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1 the parties can in good faith kind of delineate the  
2 boundaries of what goes to specific jurisdiction.

3 I'm aware that there are instances where  
4 there is an argument perhaps that there is some  
5 overlap, but I can tell you that I will not look  
6 with great favor on battling on that question in  
7 the form of some sort of discovery dispute.

8 I mean, I may limit you in terms of time  
9 and I'll trust you folks to work it out.

10 MS. SUTTON: Okay, well the issue did  
11 arise earlier and that's the only reason I'm  
12 bringing it up is so we can sort of foreclose that  
13 whole discussion and --

14 THE COURT: What was the -- the issue  
15 arose in what respect?

16 MS. SUTTON: Earlier in this case, we had  
17 the exact same situation, that's why I'm a little  
18 anxious about it.

19 So the original individual defendants  
20 moved to quash for lack of personal jurisdiction,  
21 the court ordered personal jurisdiction discovery,  
22 we tried to take it, there was a lot of motion  
23 practice because there was some resistance.

24 When we eventually got around to asking  
25 the questions, and you see some of the transcripts

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1 in the record here, Mr. Mosko and his partner in  
2 the Massachusetts action objected to our asking  
3 questions about the actual what was going on, the  
4 activity that took place, which leads to specific  
5 jurisdiction.

6 And then in the California case,  
7 Mr. Mosko actually went as far as moving for  
8 sanctions against us for asking certain questions.

9 So I want to avoid that completely.

10 THE COURT: I understand.

11 MS. SUTTON: And just for --

12 THE COURT: For what it's worth, again,  
13 I'm not going to bar issues that aren't before me  
14 yet, but in terms of my understanding, you're  
15 trying to establish whether or not there is  
16 specific jurisdiction.

17 It really does go to the activities  
18 involved in this particular dispute that have an  
19 impact on this forum, and by definition, that is  
20 going to involve some inquiry into what went on in  
21 conjunction with these claims.

22 And there is no way around that because  
23 you're not talking as you would be on the general  
24 jurisdiction prong of your activities of the entity  
25 or the person's activities in the forum generally;

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1 we're talking now about what's connected up with  
2 this dispute.

3 By definition, that is going to require  
4 some analysis and some inquiry of the overlaps with  
5 the claims in the case.

6 But, so I can't give you any better sense  
7 of that other than to tell you that if I get some  
8 emergency motion where I'm called to rule on the  
9 distinction, if the question is does this go beyond  
10 the jurisdictional question, I'm not going to be  
11 happy.

12 But I don't know what you do with that,  
13 but there we are.

14 MS. SUTTON: That's fine.

15 THE COURT: Okay, so go ahead.

16 MS. SUTTON: In terms of the 30(b)(6)  
17 witness, the issue we had in January was that  
18 Mr. Taves was not prepared to testify as to topics,  
19 and I just want to make sure that whoever they  
20 designate is going to come prepared, and if the  
21 court could speak to that.

22 THE COURT: Well, again, I don't want to  
23 just give all sorts of generalized comments, but  
24 you know, people's obligations under 30(b)(6) are  
25 quite clear: You have to -- the party designating

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1 the 30(b)(6) deponent has to do their -- make their  
2 best effort to identify someone who has the best  
3 knowledge that that entity can come up with about  
4 the particular subject area, and it may involve  
5 some review of materials to get them up to speed.

6 But, it is also the case that some  
7 entities simply can't find anybody who is in a  
8 position to testify, and it really is -- if I get  
9 the impression that people have done the best that  
10 they can to designate somebody to cover the areas,  
11 the fact that every single issue may not be subject  
12 to a final examination, you know, I understand  
13 that.

14 At the same time, if I get the impression  
15 that people are, you know, hiding the ball, I'm not  
16 -- you know, that's not adequate. But beyond that,  
17 I have to actually see the particular -- you know,  
18 the particular 30(b)(6) and the issues involved  
19 beyond giving fairly general comments that I don't  
20 think are probably all that useful.

21 If you'll look in the advisement rules to  
22 30(b)(6), I think if I recall correctly, it pretty  
23 much tells you how you're supposed to operate and  
24 so I expect you guys to do that.

25 Okay, you had also asked for some

1 STATE OF COLORADO )  
2 ) ss. CERTIFICATE  
3 COUNTY OF DENVER )  
4

5 I, Christopher Boone, Digital Reporter and  
6 Notary Public within and for the State of Colorado,  
7 certify that the foregoing is a correct transcription  
8 from the digital recording of the proceedings in the  
9 above-entitled matter.

10

11 I further certify that I am neither counsel  
12 for, related to, nor employed by any of the parties  
13 to the action in which this hearing was taken, and  
14 further that I am not financially or otherwise  
15 interested in the outcome of the action.

16

17 In witness whereof, I have affixed my  
18 signature and seal this 8th day of June, 2007.

19

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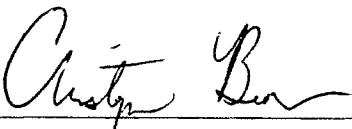
21 My commission expires August 16, 2010.

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Christopher Boone, Digital Reporter

